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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,993	12/11/2000	Rex Bunn	TPP:649-US	2586
7590	10/16/2003			
Dunn & Associates PO Box 10 Newfane, NY 14108			EXAMINER TRAN LIEN, THUY	
			ART UNIT 1761	PAPER NUMBER
DATE MAILED: 10/16/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/646,993

**Applicant(s)**

BUNN ET AL.

**Examiner**

Lien T Tran

**Art Unit**

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

The finality of the office action mailed on June 2, 2003 is hereby withdrawn due to the discovery of new references. The rejection based on the new reference is as followed.

The substitute specification filed August 29, 2003 will be entered.

The 112 first paragraph rejection of claims 1-8 is hereby withdrawn.

Claims 1-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cookbook "The Fannie Farmer Cookbook" in view of Froehlich et al.

The cookbook teaches to truss chicken by using a string. The trussing is done as shown in the drawing on page 225. The truss is applied above the hocks of the chicken and the legs are held together against the breast of the bird. The hocks are in spaced relation to the tail of the bird.

The cookbook does not teach using edible string for trussing.

Froehlich et al disclose edible string made of edible collagen. The string is edible and does not need to be removed after the cooking operation and prior to consumption. The string has sufficient strength to hold the meat product together. The meat products suited for using the edible string include chicken. The string is formed from flat tubular casing. The string can be made by holding one end of the film and spiraling the film about its longitudinal axis to form a twisted string. The string is plasticized to give softness and flexibility. (see col. 1 lines 44-55, col. 2 lines 20-21, col. 3 lines 5-10 and the examples)

It would have been obvious to one skilled in the art to use the edible string taught by Froehlich et al to truss the chicken taught by the cookbook to obtain the obvious

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benefits disclosed by Froehlich. The cookbook does not teach that the legs of the chicken are crossed. However, it would have been obvious to one skilled in the art to cross the legs if one desires to change the appearance of the chicken. This would have been an obvious matter of choice. It would also have been obvious to one to place the chicken in a way that one finds more appealing; this can vary among individuals. Froehlich et al. do not disclose the number of twists per metre as claimed. It would have been obvious to one skilled in the art to determine the number of twists which will give sufficient strength to the string. This is a result-effective variable that can be determined through routine experimentation to obtain the most optimum product suited for an intended purpose.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cookbook in view of Froehlich as applied to claims 1-5 and 8 above, and further in view of Alexander et al and Kobussen et al.

Froehlich et al do not disclose adding glycerol and cellulose and the amounts as claimed.

Alexander et al. disclose a high moisture collagen casing wherein cellulose and glycerol are added (see col. 2 lines 25-45).

Kobussen et al disclose an outer coating collagen gel wherein cellulose is added as filler and glycerol is added as plasticizer (see col. 5 lines 15-17)

It is well known in the art to add cellulose as additive to collagen film as shown by the prior art. Thus, it would have been obvious to one skilled in the art to add cellulose to the collagen string of Froehlich et al because it is a well known additive to be added



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to collagen film. Froehlich et al teach to add a plasticizer; thus, it would have been obvious to add glycerol as the plasticizer. As to the amounts, it would have been obvious to one skilled in the art to determine the appropriate amounts through routine experimentation to obtain the most optimum product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T Tran whose telephone number is 703-308-1868. The examiner can normally be reached on Tuesday, Wednesday and Friday. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

October 10, 2003

  
PRIMARY EXAMINER  
  
LIEN TRAN  
PRIMARY EXAMINER  
Group 1700